

Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)
Approved for use through xx/xx/200x. OMB 0651-00xx
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

926512-101092

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on _____

Signature _____

Typed or printed name _____

Application Number

10/752,651

Filed

01/07/04

First Named Inventor

RICHARD C. FUKSA

Art Unit

3753

Examiner

Craig M. Schneider

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

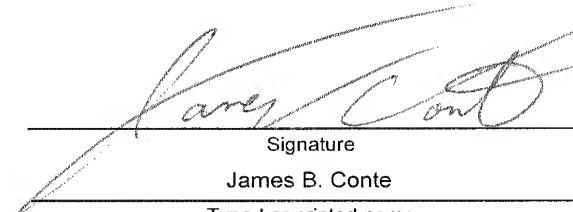
This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)
- ☒ attorney or agent of record. 54,661
Registration number _____
- ☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____


Signature
James B. Conte
Typed or printed name
312-214-4805
Telephone number
June 19, 2007
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 2 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

BARNES & THORNBURG

1 North Wacker Drive
Suite 4400
Chicago, Illinois 60606-2833
(312) 357-1313

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 926512-101092

In Re the Application of:

FUKSA, Richard C.; *ZHU*, Jun

Serial No. 10/752,651

Filed: 01/07/04

Title: PIN INSERT

Examiner: Craig M. Schneider

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Certificate Under 37 CFR 1.8(a)

I hereby certify that this correspondence is being electronically filed via EFS WEB addressed to: Mail Stop Amendment Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

June 19, 2007
Debbie Espinosa
Debbie Espinosa

A SUCCINCT, CONCISE AND FOCUSED SET OF
ARGUMENTS FOR WHICH A REVIEW IS BEING REQUESTED

CLEAR ERRORS IN THE EXAMINER'S REJECTION

The Examiner has committed clear error. The reference *Miller*, US 6,627,527 does not meet Claim 1's recitation that the recess in the valve pin insert forms a tooth that sheers material of the valve plate as the pin is inserted into a hole in the valve plate.

Claim 1 of the application requires that a valve pin insert have a recess forming a tooth that sheers material of the valve plate. The Examiner, in supporting the rejection of Claim 1, Item 3 of action, states that *Miller* discloses a tooth that sheers material as the dowel is inserted into a hole as seen in Fig. 4(b) of *Miller*. (See 'Action, page 3, lines 8-10). The Examiner then relies on this asserted recitation in *Miller* to find that the recited limitation of Claim 1 is met by the reference. The limitation is not met by *Miller* and the Examiner has committed clear error.

Miller does not state that the dowel shown in 4(b) forms a tooth that sheers material as the dowel is inserted. The specification at column 3, lines 63-67, simply states, "In yet other embodiments the step portion 17 may be recessed or concave in shape as shown in Fig. 4(b). In still yet other embodiments, the step portion 17 may be rounded for any other shape that will provide for proper operation of dowel 10 when used in a particular application." The specification at columns 6, lines 19-23, states, "In still yet other embodiments, depending on the shape of the dowel, the openings 32, 36 may have a cross section along the openings 32, 36, longitudinal axis, that is substantially square shaped, triangular shape or any other shape that will access dowel 10. There is simply nothing in *Miller* that meets the above recited limitations of Claim 1. As a limitation of Claim 1 has not been met, the obviousness rejection must be withdrawn.

Dated: June 19, 2007

Respectfully submitted,

By: 

James B. Conte
Registration No.: 54,661
BARNES & THORNBURG
Customer No.: 23644
1 North Wacker Drive, Ste. 4400
Chicago, IL 60606-2833
312-357-1313

Attorneys for Applicant